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6 Attorney for Defendants: Steve Weera  
7 Tonasut, as Trustee of the Tonasut  
8 Family Trust dated June 14, 2004,  
9 for and in place of the erroneously named  
10 Defendant "Steve Weera Tonasut Trust";  
11 and, Emil Assentato; and, Tax Deed  
12 Enterprises, LLC, a Delaware limited  
13 liability company.

14 UNITED STATES DISTRICT COURT  
15 CENTRAL DISTRICT OF CALIFORNIA  
16 WESTERN DIVISION

17 CLINTON BROWN,  
18 PLAINTIFF,

19 VS.

20 EMIL ASSENTATO, TAX DEED  
21 ENTERPRISES LLC, STEVE WEERA  
22 TONASUT TRUST,

23 DEFENDANTS.

Case No.:LACV23-02972-MEMF(KSx)

NOTICE OF MOTION TO DISMISS  
THE FIRST AMENDED COMPLAINT  
[DOC. #40] BY DEFENDANTS FOR  
FAILURE OF PLAINTIFF TO STATE  
A CLAIM UNDER RULE 12(b)(6)  
AND RULE 9(b) AND 15 U.S.C. §  
78u-4 AS TO

[FILED WITH MEMO OF POINTS,  
REQUEST FOR JUDICIAL NOTICE,  
AND PROPOSED ORDER LODGED]

DATE: February 29, 2024  
TIME: 10:00 A.M.  
CTRM: 8B

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27 TO PLAINTIFF, ALL PARTIES, THE CLERK OF THE COURT AND THE  
28 HONORABLE MAAME EWUSI-MENSAH FRIMPONG, DISTRICT JUDGE:

NOTICE OF MOTION TO DISMISS FIRST AMENDED COMPLAINT

[BROWN VS. ASSENTATO] #LACV23-02972

PLEASE TAKE NOTICE that on FEBRUARY 29, 2024, at 10:00 a.m. in Courtroom 8B of this court, located at United States Courthouse, 350 W. First Street, 8th Floor, the Honorable MAAME EWUSI-MENSAH FRIMPONG, District Judge, presiding, all Defendants: (1) Steven Weera Tonasut, as Trustee of the Tonasut Family Trust dated June 14, 2004, for and in place of the erroneously named "Steve Weera Tonasut Trust"; and (2) Emil Assentato; and (3) Trust Deed Enterprises, LLC, a Delaware limited liability company, will move the Court for an order dismissing the First Amended Complaint, dismissing with prejudice each and all of the Defendants herein from this Action.

This joint motion is made under Rule 12(b)(6), as facts are not pleaded with sufficiency and particularity for a claim sounding in fraud in order to state a claim against Defendants, nor any of them, and not pleaded sufficiently nor with the required particularity under Rule 9(b) (fraud pleading), and the Private Securities Litigation Reform Act ("PSLRA") 15 U.S.C. § 78u-4 for the claims Plaintiff makes, all under federal securities law claims created under federal statute and sounding in fraud.

Regarding conference of counsel, with the pro se plaintiff: under L.R. 7-3 and L.R. 16-12, as plaintiff is pro se in this case and is not an attorney, no conference was held between this counsel and plaintiff.

This motion is based on this notice, the memorandum of points and authorities, the request for judicial notice, with the lodged proposed order, and on argument if such occurs.

Date: Jan. 17, 2024

Respectfully Submitted,

*/s/ Fred Hickman*

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Fred Hickman. fredhickman@gmail.com  
for: Defendants Steve Weera Tonasut, as Trustee of  
the Tonasut Family Trust dated June 14, 2004  
and, Emil Assentato; and, Tax Deed Enterprises,  
LLC, a Delaware limited liability company.

PROOF OF SERVICE

All persons are deemed served under Local Rule 5-3.2.1 for documents filed electronically, as Plaintiff as pro se has been approved by order of this Court for ecf filing and service.

I, the undersigned, certify and declare that I am over the age of 18 years, employed in the County of Orange, State of California, and not a party to the above-entitled cause.

Executed on January 17, 2024, at Santa Ana, California.

I hereby certify that I am a member of the Bar of the United States District Court, Central District of California.

/s/ Fred Hickman

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Fred Hickman  
fredhickman@gmail.com